

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Moss	Team: Squad #6	CCRB Case #: 202003851	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/02/2020 4:03 PM	Location of Incident: 201 East 21st Street	Precinct: 13	18 Mo. SOL 12/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 06/03/2020 12:15 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 06/03/2020 12:15 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM William Myhre	14318	966238	013 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. Officers			

Officer(s)	Allegation	Investigator Recommendation
A.POM William Myhre	Abuse: Police Officer William Myhre refused to provide his shield number to § 87(2)(b)	
B.POM William Myhre	Abuse: Police Officer William Myhre refused to provide his shield number to individuals.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On June 3, 2020, § 87(2)(b) submitted this complaint on the CCRB's website.

On June 2, 2020, at approximately 4:00 p.m., § 87(2)(b) attended a protest against police brutality in the vicinity of Gramercy Park in Manhattan. At the northeast corner of East 21st Street and 3rd Avenue, § 87(2)(b) and two unidentified males verbally requested that Police Officer William Myhre from the 13th Precinct show them his shield number. PO Myhre, whose shield number was covered by a black mourning band, neither showed the civilians his shield number nor provided it verbally (**Allegations A and B: Abuse of Authority** — § 87(2)(g), § 87(2)(i)). Officers did not arrest § 87(2)(b) or issue her any summonses.

The investigation obtained cellphone footage of the incident from § 87(2)(b) (**BR1**). A request for BWC footage returned negative results.

Findings and Recommendations

Allegation A – Abuse of Authority: PO William Myhre refused to provide his shield number to § 87(2)(b)

Allegation B – Abuse of Authority: PO William Myhre refused to provide his shield number to individuals.

The following facts are undisputed: On June 2, 2020, at approximately 4:00 p.m., § 87(2)(b) participated in a protest against police brutality. The protest marched north up 3rd Avenue in Manhattan and at least partially stopped at the intersection of East 21st Street and 3rd Avenue. At the eastern edge of that intersection, officers placed barricades to prevent protesters from marching east toward the 13th Precinct stationhouse. Officers, including PO Myhre, stood behind the barricades to ensure that protesters did not jump over them. § 87(2)(b) and others stood on the opposite side of the barricades and protested. The protesters were non-violent and did not attempt to jump over the barricades.

Cellphone footage recorded and provided by § 87(2)(b) depicted the incident (**BR1**). In the footage, § 87(2)(b) stood face-to-face with PO Myhre directly across the barricades from him approximately four to eight feet away. PO Myhre's shield number was covered by a black mourning band and he stared straight ahead into the crowd of protesters. In the video, § 87(2)(b) said, "Officer Myhre ... you have to show your badge." PO Myhre did not acknowledge § 87(2)(b). He did not verbally state his shield number or remove the mourning band from covering it. § 87(2)(b) responded, "Ok, I'll figure out who he is. M-y-h-r-e." The video's audio also captured comments made by two males who stood near § 87(2)(b). The males stated, "Show your badge," at least twice, "Show your fucking badge," and, "He's not showing his badge." The video's audio did not capture any loud chants, music, or the roar of a crowd at the time these requests were made.

§ 87(2)(b) testified that she stood against a barricade directly across from PO Myhre and requested his shield number because it was covered by a black mourning band (**BR2**). She further testified that two male protesters near her also observed that PO Myhre's shield number was covered and requested that he uncover it at least twice. PO Myhre did not uncover his shield number, nor did he verbally state it. PO Myhre did not provide any of the civilians with his business card.

PO Myhre testified that he stood behind the barricades to ensure that protesters did not approach the 13th Precinct stationhouse (**BR3**). According to PO Myhre, approximately 300 to 400 protesters were on the other side of the barricades and chanted loudly. PO Myhre testified that the protesters were so loud that he could not make out any distinct words that they said. He denied that he heard anything that the

protesters said toward him or toward other officers. He did not hear any protesters say his name or request his shield number.

During his CCRB interview, PO Myhre identified himself as the subject officer in the video and confirmed that his shield number was covered by a black mourning band, which he said was unintentional. Though PO Myhre heard the civilians request his shield number when he watched the video, he reiterated that he did not hear those requests on the date of the incident because the protesters were so loud that he could not hear any “distinct” words. PO Myhre said that § 87(2)(b) s phone might have made the requests sound clearer than they were in person. PO Myhre did not activate his BWC because it was not a crime in progress call so he did not have to turn it on.

Officers are required to provide their shield numbers—either verbally or through other means, such as a business card—when requested to do so by civilians. PG 203-09 (BR4).

Although § 87(2)(b) stood among other protesters when she made her request, the video’s audio did not capture any chants, music, or other loud noises that would have made her request inaudible. If the crowd noise was sufficiently loud that it made all words spoken by the protesters undecipherable, the requests made by the two males would likely have been drowned out or at least muffled in the video. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(g)
- This is the second CCRB case in which PO Myhre has been a subject officer. (BR5).

Mediation, Civil and Criminal Histories

- Mediation was not attempted.
 - According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (**BR6**).
 - The investigation has requested but not yet received records from the New York City Office of the Comptroller related to Notice of Claims filed by § 87(2)(b)
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Squad No.: 6

Investigator:	<u>William L. Moss</u> Signature	<u>Inv. Will Moss</u> Print Title & Name	<u>08/25/20</u> Date
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Squad Leader:	<u>Jessica Peña</u> Signature	IM Jessica Peña Print Title & Name	8/25/2020 Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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